

REMARKS

Claims 1-21 are pending in this application. Claims 1, 4, 5, and 10-12 are independent. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-2, 4, 6, 8, 10-11, 13-14, 16-17 and 20 under 35 U.S.C. § 102(e) as being anticipated by Kivela et al (USP 6,404,423B1); rejected claims 3 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Kivela et al in view of Mitchel et al (5,987,614); and rejected claims 5, 7, 9, 12, 15, 18 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Kivela et al. Applicants respectfully traverse these rejections.

Claim Rejections – 35 U.S.C. § 102(e)

As an initial matter, Applicant notes that the Examiner, though rejecting claims 1-2, 4, 6, 8, 10-11, 13-14, 16-17 and 20, only provides a basis for rejection of claims 1, 8, 13-14 and 16-17. If any of the rejections are maintained, it is respectfully requested that the examiner identify for each claim where the reference is believed to show the claimed elements. See MPEP 707 (“The pertinence of each reference . . . must be clearly explained and each rejected claim specified.”) Applicant requests a complete and competent non-final office action addressing all the claims.

In support of the Examiner's rejection of claim 1, the Examiner asserts Kivela anticipates the claimed elements. Applicant respectfully disagrees with the Examiner's characterization of this reference.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kivela. The Examiner asserts that Kivela disclose a display device constantly monitoring a state of coupling with the host device based on a second signal. Applicant disagrees. Kivela, at col. 5, lines 10-15:

"assumes that user inactivity is constantly being monitored in the background, e.g., by repeatedly detecting in the display for the absence of the selected "any one" of the plurality of DPMS signals provided to the display from the host computer over the VGA interface cable for signaling various display power management states."

Thus, Kivela teaches detecting the presence of the DPMS signals, which it also defined as, at col. 3, lines 38-43:

"Among the standard signals are video, horizontal synchronization, and vertical synchronization signals which are to be used for host signaling to the monitor according to the Display Power Management Standard (DPMS) of the Video Electronics Standards Association (VESA)."

Thus, Kivela teaches the use of the video and synchronization signals for detecting user the transfer of display data. The present invention as claimed in claim 1, however, expressly uses a second signal different from the image signal and a first signal. The first signal is taught, as asserted by the Examiner, as a synchronization signal, and the image data signal is taught as the video signal. Thus, the present invention uses a second signal not contemplated by the Kivela reference, which only teaches the use of existing DPMS signals. Claim 1 is submitted to be allowable over Kivela for at least this reason.

In rejecting claim 1, the examiner also refers to a “video voltage level signal”, but the Applicant has been unable to locate this element taught anywhere in Kivela. Should the Examiner use the “video voltage level signal” again in support of a rejection, Applicant respectfully requests a specific reference from Kivela teaching this element.

Claim 8 is rejected as anticipated by Kivela. The Examiner asserts the Kivela discloses “monitoring during a period which is set by means of a timer.” Applicant disagrees and asserts, for the reasons set forth above for claim 1, that Kivela teaches the monitoring of a traditional DPMS signal during a timed period, whereas claim 8 (dependant upon claim 4) claims monitoring over a timed period a second signal (data-enable signal), distinct from the video or synchronization signal. Claim 8 is submitted to be allowable over Kivela for at least this reason.

Claims 13-14 and 16-17 are submitted to be allowable for at least the same reasons as set forth in claim 1. Each of these four claims depend on independent claims 1, 4, 10, and 11, respectively. Claim 13 is submitted to be allowable specifically over the reasons set forth above for claim 1. Claims 14, 16 and 17 are submitted to be allowable for at least the same reasoning, and additionally because the claims from which they depend are not rejected with any particularity or specific reference.. If the Examiner should maintain the rejection, however, Applicant requests the Examiner provide a specific ground of rejection for the independent claims from whence they depend.

Claim Rejections – 35 U.S.C. § 103 – Kivela et al in view of Mitchel et al (5,987,614)

Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kivela in view of Mitchel (5,987,614). The Examiner relies on Mitchel to show that a power saving feature for a plurality of LCD display devices connected together is already known in the art. Applicant respectfully asserts that the Examiner has not established a *prima facie* case of obviousness by failing to provide “some suggestion or motivation” from the references and because the “prior art reference (or references when combined) [do not] teach or suggest all the claim limitations.” MPEP 2143.

In order to make a *prima facie* case of obviousness, a motivation for making the proposed modification to a reference must be identified, and, as noted above, this has not been done in the present case. The only statement in the Office Action that appears intended to identify a motivation is a statement on page 3 of the Office Action regarding what would “have been obvious to one of ordinary skill in the art”. If the Examiner is indicating that it might be possible to make the proposed modification, it is noted that the possibility of combining references does not establish a motivation for making the combination or modification. MPEP 2143.01. If this is a statement that it would have been within the ability of one skilled in the art to make the proposed modification, it is noted that this too does not constitute a motivation for combining references. MPEP 2143.01. If the examiner is relying on official notice in support of this rejection, this reliance is submitted to be improper, and Applicant challenges this reliance pursuant to MPEP 2144.03 and requests that the examiner make of record a properly combinable reference that supports the facts that are now being officially noticed.

Further, and for the reasons as set forth in regards to claim 1, Applicant asserts that neither Kivela nor Mitchel, nor the combination of the two, discloses the monitoring of a second signal different than then image and synchronization signals. Thus, the references, individually or combined, fail to teach or suggest all the claim limitations. A *prima facie* case of obviousness has not been presented, and claims 3 and 19 are submitted to be allowable over the references of record for at least this reason.

Claim Rejections – 35 U.S.C. § 103 – Kivela et al

Claims 5, 7, 9, 12, 15, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kivela. The Examiner asserts that Kivela discloses a power management method “based on a control information signal” when it discloses that it may utilize a signal provided on the VGA cable or any of many other different conceivable indicators of user activity. Applicant asserts, pursuant to MPEP 2143.01, that a statement that modifications of the prior art meeting the claimed invention would have been ‘well within the ordinary skill of the art at the time the claimed invention was made’ because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. Should the Examiner maintain any of these rejections, Applicant respectfully requests the Examiner set forth in the Office Action 1) relevant teachings of the prior art relied upon, 2) the difference or differences in the claim over the applied reference, 3) the proposed modification of the applied reference necessary to arrive at the claimed subject matter, and 4) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification. MPEP 706.02(j). A *prima facie* case of

obviousness has not been presented, and claims 5 and 21 are submitted to be allowable over the references of record for at least this reason.

Claims 7, 9 and 15 depend from claim 5 and are submitted to be allowable for at least the same reasons as claim 5.

Claims 12 and 18 are also rejected under 35 U.S.C. 103(a) over Kivela, and the Examiner does not establish a *prima facie* case of obviousness with respect to those claims. It is submitted that that claims 12 and 18 include elements similar to those discussed above with regard to claims 5 and 21 and thus these claims are patentable over the reference as cited by the Examiner.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

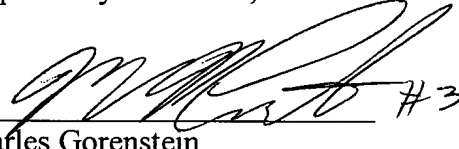
Application No. 09/878,193
Amendment dated August 18, 2006
Reply to Office Action of June 14, 2005

Docket No.: 0717-0469P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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